IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

B. KURT PRICE, et al.,

:

Plaintiff, :

: C.A. No. 04-956-GMS

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L. AARON CHAFFINCH, et al.,

v.

v.

:

Defendants. :

CHRISTOPHER FORAKER,

,

Plaintiff, :

: C.A. No. 04-1207-GMS

:

L. AARON CHAFFINCH, et al.,

:

Defendants. :

NOTICE OF DEPOSITION

TO: Thomas Stephen Neuberger, Esq. Stephen J. Neuberger, Esq. The Neuberger Firm, P.A. Two East Seventh Street, Suite 302 Wilmington, DE 19801

Martin D. Haverly, Esquire Two East Seventh Street Suite 302 Wilmington, DE 19801-3707

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure,

Defendants L. Aaron Chaffinch, Thomas F. MacLeish, and the Division of State Police, by their

attorneys, will take the deposition of Christopher Foraker on **December 6, 2005**, before an officer authorized to administer oaths, at the offices of Montgomery, McCracken, Walker & Rhoads, LLP, 300 Delaware Avenue, Wilmington, DE 19801, commencing at 9:30 a.m. You are invited to attend and participate.

Dated: November 7, 2005

/s/ Noel C. Burnham

Noel C. Burnham (DE Bar No. 3483) Richard M. Donaldson (DE Bar No. 4367) Montgomery, McCracken, Walker & Rhoads, LLP 300 Delaware Avenue, Suite 750 Wilmington, DE 19801 Telephone: (302) 504-7840

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Edward T. Ellis (Admitted Pro Hac Vice) Robert J. Fitzgerald (Admitted Pro Hac Vice) Montgomery, McCracken, Walker & Rhoads, LLP 123 South Broad Street Philadelphia, PA 19109 (215) 772-1500

Counsel for Defendants

CERTIFICATE OF SERVICE

I, Noel C. Burnham, hereby certify that on this day, I caused a true and correct copy of the foregoing Notice of Deposition, to be served by Hand Delivery upon the following:

> Thomas Stephen Neuberger, Esq. Stephen J. Neuberger, Esq. The Neuberger Firm, P.A. Two East Seventh Street Suite 302 Wilmington, DE 19801

Martin D. Haverly, Esquire Two East Seventh Street Suite 302 Wilmington, DE 19801-3707

Attorney for Plaintiff

Dated: November 7, 2005 /s/ Noel C. Burnham Noel C. Burnham (DE Bar No. 3483)